

(original)

CMR

FORM TO BE USED BY A PRISONER FILING A
42 U.S.C. § 1983 CIVIL RIGHTS COMPLAINT
IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

20

651

I. CAPTION

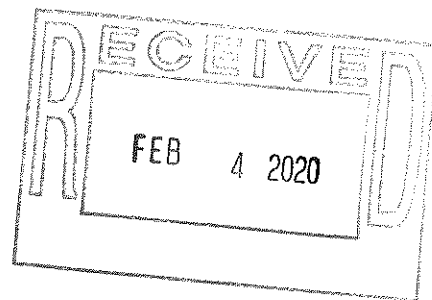
Wayne S. Gayle

(Enter the full name of the plaintiff or plaintiffs)

v.

Officer Doward
Slatington Police Department

(Enter the full name of the defendant or defendants)



II. PARTIES

a. Plaintiff

Full name: Wayne S. Gayle

Prison Identification number: N2-4804

Place of present confinement: SCI - Camp Hill

Address: P.O. Box 200 Camp Hill, Pa. 17001-0200

Place of confinement at time of incidents or conditions alleged in complaint, including address:

Slatington Police Department, 125 South Walnut ST., Suite 130, Slatington
Pa. 18080

Additional plaintiffs: Provide the same information for any additional plaintiffs on the reverse of this page or on a separate sheet of paper.

b. Defendants: (list only those defendants named in the caption of the complaint, section I)

1. Full name including title: Officer Doward (Srgnt)

Place of employment and section or unit: Slatington Police Department (Srgnt)

2. Full name including title: Slatington Police Department

Place of employment and section or unit: Slatington Pa. Police Department

3. Full name including title: _____

Place of employment and section or unit: _____

4. Full name including title: _____

Place of employment and section or unit: _____

Additional defendants: Provide the same information for any additional defendants on the reverse of this page or on a separate sheet of paper.

III. PREVIOUS LAWSUITS

Instructions:

If you have filed other lawsuits in any federal or state court dealing with the same facts as this complaint or other facts related to your imprisonment, you must provide the information requested below. If you have not filed other lawsuits, proceed to Section IV, Administrative Remedies, on this page.

If you have filed other lawsuits, provide the following information.

Parties to your previous lawsuit:

Plaintiffs _____

Defendants _____

Issues: _____

Court: if federal, which district? _____

if state, which county? _____

Docket number: _____ *Date filed:* _____

Name of presiding judge: _____

Disposition: (check correct answer(s)): Date: _____

Dismissed _____ *Reason?* _____

Judgment _____ *In whose favor?* _____

Pending _____ *Current status?* _____

Other _____ *Explain* _____

Appeal filed? _____ *Current status?* _____

Additional lawsuits. Provide the same information concerning any other lawsuits you have filed concerning the same facts as this action or other facts related to your imprisonment. You may use the back of this page or a separate sheet of paper for this purpose.

IV ADMINISTRATIVE REMEDIES

Instructions:

Provide the information requested below if there is an administrative procedure to resolve the issues you raise in this complaint. Examples of administrative procedures include review of grievances, disciplinary action, and custody issues. If no administrative procedures apply to the issues in this complaint, proceed to Section V, Statement of Claim, on page 4.

- a. Describe the administrative procedures available to resolve the issues raised in this complaint:

Type of procedure. (grievance, disciplinary review, etc.)

Authority for procedure. (DC-ADM, inmate handbook, etc.)

Formal or informal procedure.

Who conducts the initial review?

What additional review and appeals are available?

- b. Describe the administrative procedures you followed to resolve the issues raised in this complaint before filing this complaint:

On what date did you request initial review?

What action did you ask prison authorities to take?

What response did you receive to your request?

What further review did you seek and on what dates did you file the requests?

What responses did you received to your requests for further review?

- c. If you did not follow each step of the administrative procedures available to resolve the issues raised in this complaint explain why?

(None existed)

There was not any besides bringing it to the attention of the court, in which I did first at the Magistrate District Court of Judge Tom Clair Creighton, then at the Lehigh County Court of Common Pleas, ~~in which it was ignored~~ at which it was ignored at all mentions.

V. STATEMENT OF CLAIM

Instructions:

State here as briefly as possible the facts of your case. Use plain language and do not make legal arguments or cite cases or statutes. State how each defendant violated your constitutional rights. Although you may refer to any person, make claims only against the defendants listed in the Caption, Section I. Make only claims which are factually related. Each claim should be numbered and set forth in a separate paragraph with an explanation of how the defendants were involved. Use the reverse of this page or a separate sheet of paper if you need more space.

Statement of Claim:

On February 12, 2018 approximately 11:30 PM, I was the front seat passenger of a vehicle operated by a female, at which the vehicle the vehicle was stopped in Slatington Pa. for a minor traffic stop of a turn, by officer Norward whom ~~is~~ is employed by The Slatington Pa. Police Department, and whom conducted the stop beyond the limit of a traffic citation, in where I was removed from the vehicle and search by officer Norward while no probable cause existed for him to do so. I was then taken in custody of the Slatington Police Department for over three (3) hours at where I was questioned, I was first handcuffed, transported then held in a holding cell from my liberty. At approximately 2:30 AM in where no citation, nor affidavit of probable cause, nor arraignment nor any official arrest procedures such as fingerprinting, photographing nor any other was issued to me I was then released. Approximately a month to a month and a half later I recieved mail stating charges filed against me by officer Norward of The Slatington Police Department of possession, pertaining to the traffic stop which occurred February 12, 2018. Charges in which now forced

VI. RELIEF

Instructions: Briefly state exactly what you want the Court to do for you.

Relief sought:

For all the mentioned reasons above, I'm requesting the court to grant me monetary relief in the sum of five (5) million dollars or the closer sum to the listed amount at which the court deems as the proper amount. I'm asking to be granted \$1.5 million for the violation of my 4th Amendment and Pa. Constitution, article 1 § 8. I'm asking to be granted \$1.5 million for the violation of my 5th Amendment and article 1 § 26 of Pa. Constitution. I'm asking to be granted \$2 million for the violation of my 14th Amendment right and Pa. Constitution, article 1 § 9.

VII.

DECLARATION AND SIGNATURE

I (we) declare under penalty of perjury that the foregoing is true and correct. Constitution right under article 1 § 9

12/19/20

DATE

Wayne J. Dyer

SIGNATURE OF PLAINTIFF(S)

V. STATEMENT OF CLAIM (Continued)

me through the process of the Criminal Justice System by being ordered to appear in the District Magistrate Court for a preliminary hearing on the matter while there failed to be existence of a lawful arrest or an arraignment to the listed charge. No citation or Affidavit of Probable Cause existed prior, however while I was sent the notification to appear to a Preliminary hearing on the matter a document at which would of usually served as an Affidavit of Probable Cause accompanied my notification for ~~for~~ Preliminary Court appearance, however the document only consisted of a short statement while fully lacking an (affiant) the charging officer's signature, as well as lacking an arraigning Judge's signature and also lacking a court's Judicial Seal and all other information necessary for such document within charging a person of a crime. Only a statement from Officer Dorward of the ~~the~~ claimed charge accompanied the Affidavit while however the complete absence of his signature to the document was apparent. At which since has ~~subjected~~ subjected me to numerous court appearances of the Criminal Court, as well as detained me by imprisonment for over ten (10) months in time at Lehigh County Prison, while fighting the charge placed upon me by Officer Dorward and The Slatington Pa. Police Department in a convict leasing sort of manner, while still no preliminary arraignment existed throughout my entire 10 months of incarceration on the charge. The actions of Officer Dorward and The Slatington Police Department were direct violations to my fourth (4th) fifth (5th) and ~~fourteenth~~ fourteenth (14th) Amendments rights of the United States Constitution as well as violations to my ~~the~~ Pennsylvania Constitution in articles 1, § 8; article 1 § 26, and article 1 § 9

My Fourth Amendment right was violated by the actions of Officer Dorward while he searched me while no probable cause existed, at which must be satisfied by the United States Constitution for my persons to be searched, while also my (4th) (5th) and (14th) Amendment of the U.S. Constitution, was violated by Officer Dorward and Slatington Police Department by the illegal search which lacked probable cause as well as me being subjected to the Criminal Justice system and then being confined in imprisonment while the lack of Probable Cause existed. Such actions also violated my Pennsylvania Constitutional rights under article 1 § 8, 26

My fifth (5th) Amendment right of the United States Constitution as well as Pennsylvania Constitution under article 1 § 8, 26 and 9 ^{was} violated by Officer Dorward and the Slatington Police Department in where their actions held me for an infamous crime as well as deprived me of liberty in the absence of Due Process of Law from the lack of probable cause, the absence of an arrest, and the absence of a preliminary arraignment. As well as such actions by the said law enforcement leading to and being responsible to my ten (10) month incarceration on the charge, which deprived me of Liberty in the absence of Due Process of Law.

My 14th Amendment of the United States Constitution and Pennsylvania Constitution under Article 1 § 8, 26 and 9 ^{were} violated by Officer Dorward and The Slatington Police Department, while their actions deprived me of liberty, without Due Process of Law, while such actions lead to over a ten month's ~~imprisonment~~ imprisonment of myself, while I was also denied equal protection of the law in which is provided by the U.S. and Pennsylvania Constitution.

(Continued →
on back)

The actions conducted against me by Officer Porward and The Slading-ton Police Department has caused me enormous amounts of mental anguish, monumental physical - psychological and spiritual stress, permanent anxiety, irreplaceable natural fear of law enforcement, social ridicule, has branded me with unfavorable stereotyping, has lowered my confidence of being a normal part of society, lessened my pride, given me a high level of permanent untrust towards police officers and law enforcement, has given me fear of traveling in automobiles as well as traveling from my home (anywhere), has caused me an extreme amount of mental and emotional trauma, while it has lead me to a degree of ~~dis~~personal disbelief in ~~the~~ certain key provisions of the United States Constitution. as well as the Pennsylvania Constitution.

CMR

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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651

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: PO Box 8837, Camp Hill, PA 17001

Address of Defendant: _____

Place of Accident, Incident or Transaction: Lehigh

Date Terminated: 1/8/18

THIS CASE IS RELATED TO: 16-2124

CIVIL ACTION NO. 20-651
CRIMINAL NO.

ASSIGNED TO: Judge Rufe

Yes ☐ No ☐Yes ☐ No ☐Yes ☐ No ☐Yes ☐ No ☐

ing or within one year previously terminated action in

this court except as noted above:

DATE: 02/04/2020

Daniel M. Cook
Attorney-at-Law / Pro Se Plaintiff

Attorney I.D. # (if applicable)

CIVIL: (Place a ✓ in one category only)

A. Federal Question Cases:

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts
- ☐ 2. FEHA
- ☐ 3. Jones Act-Personal Injury
- ☐ 4. Antitrust
- ☐ 5. Patent
- ☐ 6. Labor-Management Relations
- ☒ 7. Civil Rights 550
- ☐ 8. Habeas Corpus
- ☐ 9. Securities Act(s) Cases
- ☐ 10. Social Security Review Cases
- ☐ 11. All other Federal Question Cases
- (Please specify): _____

B. Diversity Jurisdiction Cases:

- ☐ 1. Insurance Contract and Other Contracts
- ☐ 2. Airplane Personal Injury
- ☐ 3. Assault, Defamation
- ☐ 4. Marine Personal Injury
- ☐ 5. Motor Vehicle Personal Injury
- ☐ 6. Other Personal Injury (Please specify): _____
- ☐ 7. Products Liability
- ☐ 8. Products Liability - Asbestos
- ☐ 9. All other Diversity Cases
- (Please specify): _____

ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, _____, counsel of record or pro se plaintiff, do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:
- ☐ Relief other than monetary damages is sought.

DATE: _____ Attorney-at-Law / Pro Se Plaintiff Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

CMR

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

Gayle

CIVIL ACTION

v.

NO. **20** **651**

Dorward, et. al.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ☐
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ☐
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ☐
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ☐
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases. ☐
- (f) Standard Management – Cases that do not fall into any one of the other tracks. **550** ☒

FEB - 4 2020
Date

Daniel McConk
Deputy Clerk

Attorney for

Telephone

FAX Number

E-Mail Address

Wayne S. Gayle

NZ-4804

SCI - Camp Hill

P.O. Box 200

Camp Hill Pa. 17001-0200

U.S.M.S.
X-RAY

Mi

US

Eastern

2609 L

601 Market